IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

MONDAY, THE 29TH OCTOBER 2007 / 7TH KARTHIKA 1929

WP(C).No. 31549 of 2007(E)

PETITIONER:

NANDINI R.,
VP HOUSE, TC 21/721, NEDUMCAUD, KARAMANA P.O.,
THIRUVANANTHAPURAM.

BY ADV. SRI.SUMAN CHAKRAVARTHY

RESPONDENTS:
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1. THE COMMISSIONER OF POLICE,
THIRUVANANTHAPURAM CITY.

2. THE CIRCLE INSPECTOR OF POLICE,
THAMPANOOR, THIRUVANANTHAPURAM.

3. THE SUB INSPECTOR OF POLICE,
KARAMANA P.S., THIRUVANANTHAPURAM.

4. MANNMOHAN M.U.,
MITHULA, THALIYAL, KARAMANA, P.O. THIRUVANANTHAPURAM.

BY ADV. SRI.A.AHZAR (FOR R4)
GOVT. PLEADER, SRI.SALIM.P.A.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 29/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT. P1: COPY OF THE LAWYER'S NOTICE, DATED 20.9.07.

EXT. P2: COPY OF THE PLAINT IN OS NO.707/07.

EXT. P3: COPY OF THE COMPLAINT DATED 12/10/2007.

/TRUE COPY/

P.A. TO JUDGE

JP

K.BALAKRISHNAN NAIR & T.R.RAMACHANDRAN NAIR, JJ.

Writ Petition (C) No.31549 of 2007-E

Judgment

Balakrishnan Nair, J.

The petitioner along with her husband was running a firm, engaged in money lending. Her husband is the licensee of the said firm. According to the petitioner, the 4th respondent claims, he has made a deposit of Rs.5 lakhs with the said firm. For not returning the same in time, the said respondent is harassing the petitioner. He is sending false and frivolous complaints before various authorities. He is also sending musclemen to her house at odd hours to threaten them. The 4th respondent has issued Ext.P1 notice, claiming an amount of Rs.5,48,000/-. He has also filed Ext.P2 suit to recover the said amount. Even thereafter, the 4th respondent is continuing his illegal activities and is harassing the petitioner and her children to extort money from them. So, the petitioner has filed Ext.P3 representation before the Police and thereafter, this Writ Petition is filed, seeking appropriate reliefs. The 4th respondent denies the allegations against him. He has taken recourse to the remedies provided under law to recover the amount due to him. The learned Government Pleader

upon instruction, submitted that the petitioner has given a statement to the Police, stating that she moved this Writ Petition apprehending threat and other harassment from the depositors. It is also stated by her that the 4th respondent is spreading false information among the depositors and thereby harming the interest of her firm. The learned Government Pleader also submitted that the firm run by the petitioner and her husband received deposits from several persons.

2. Having regard to the submissions made by the 4th respondent, we feel that no protection need be ordered to the petitioner. Even otherwise, we feel that this is not a fit case where this Court should exercise its discretionary jurisdiction under Article 226 of the Constitution of India and order the Police to stand guard to the petitioner. But, this will not affect the rights of the petitioner to move the competent civil/criminal courts to redress her grievance. Subject to that right, the Writ Petition is dismissed.

K.BALAKRISHNAN NAIR,JUDGE

29.10.2007 **T.R.RAMACHANDRAN NAIR, JUDGE**

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